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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,557	11/02/2000	Paul F. Klein	G&C30695.16-US-U1	8702
22462	7590	07/13/2005		
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			EXAMINER BLACKWELL, JAMES H	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,557

Applicant(s)

KLEIN ET AL.

Examiner

James H. Blackwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

RD

### **DETAILED ACTION**

1. This Office Action is in response to Amendment received 04/20/2005.
2. Claims 1-15 are pending. Claims 1, 9, 20, 28, 39, and 47 are independent claims.

### ***Specification***

3. The disclosure is objected to because of the following informalities: Pg. 1, Section entitled Cross-reference to Related Applications needs updating. Specifically, Application No. 09/428,271 is now Patent No. 6,202,036. Application 09/428,262 is now Patent No. 6,526,371. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 8-13, 15-16, 18-23, 34-35, 37-42, 47-51, 53-54, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, U.S. Patent No. 6,571,234).

**In regard to independent Claim 1 (and similarly independent Claims 9, 20, 28, 39, and 47), Knight teaches (a) requesting a first web page (Col. 12, lines 61-67;**

Fig. 3B) wherein a user accesses a main web site with a browser, and is presented with a web page (e.g., Fig. 3B).

Knight continues by teaching *(b) retrieving the first web page in a browser in response to the request, wherein the first web page comprises an applet tag* in that the message board interface 300 is implemented as part of a program based on a Java applet that is downloaded into the users computing system by server 220 (Col. 11, lines 21-25; Col. 12, lines 61-67). It is notoriously well known in the art of web design that to affect the downloading of an applet from a server to a client, one typically places a reference to the applet (in an applet tag) into the web page to which it is associated with. The browser processes the <APPLET> tag contents and downloads and executes the applet. Hence, Knight also teaches *(c) requesting an applet identified by the applet tag; (d) receiving the applet; (e) executing the applet, wherein the applet is configured to).*

Knight further teaches *(1) request one or more web objects that are likely to be accessed next as part of one or more additional web pages that are likely to be requested by a user* (Col. 23, lines 26-67; Col. 24, lines 1-36). The messages, in this case, qualify as the claimed "web objects", since they are accessed, downloaded, etc. from a web site run by a web server to a web client (browser) executing a Java applet, which performs the actual interactions.

Knight also teaches *(2) receive the one or more requested web objects; (3) pre-cache the one or mote requested web objects by coping the one or more requested web objects into a cache of the browser* in that messages are off-loaded from the message

server to the message browser on the client. The user's data (and other popularly retrieved data) is pre-cached, pre-compressed, and downloaded to his/her local machine where it can be handled far faster, and without delays caused by other user transactions. Thus, the data is strategically located to areas where there are more computing resources to process it according to the user's requirements (Col. 24, lines 34-36).

Knight teaches *(f) receiving a request from the user for a second web page* in that a client applet interface is executed from within a browser that allows the user to interact with multiple messages (Col. 11, lines 21-25; Col. 12, lines 61-67). Making a request for the next mail message would have been initiated through the interface. Having previously cached messages that were either pre-designated by the user, or anticipated by the software as being likely to be accessed, the request for the next message would have looked first to the cache, and then displayed it for the user (Col. 13, lines 5-45). Though Knight does not explicitly teach requesting a web page, it would have been obvious to one of ordinary skill in the art at the time of invention to conclude that requesting and receiving messages through a web-based applet client, from the client side would have been functionally equivalent to that which is claimed. One benefit would have been to minimize the number of actual query transactions on the server, because the user's data (and other popularly retrieved data) is pre-cached, pre-compressed, and downloaded to his/her local machine where it can be handled far faster, and without delays caused by other user transactions. Thus, the data is

strategically located to areas where there are more computing resources to process it according to the user's requirements.

Likewise, Knight would have performed the equivalent of (g) *retrieving the web object from the cache for the second web page in response to the request from the user; and (h) displaying the retrieved web object, as part of the second web page, in the browser using the applet interface to the web message board, since these functions already exist in the interface (Col. 11, lines 21-25; Col. 12, lines 61-67).*

**In regard to dependent Claim 2 (and similarly dependent Claims 21, 40),** Claim 2 (and similarly Claims 21, and 40) reflects the method for caching information in a browser as claimed in Claim 1, and is rejected along the same rationale.

**In regard to dependent Claim 3 (and similarly dependent Claim 22, 41),** Knight teaches that *the applet is further configured to receive an object list of the one or more web objects likely to be accessed next and wherein the request for the one or more web objects is for one or more web objects in the object list* in that a query handling routine automatically downloads those messages corresponding to information categories previously indicated as of most interest to the particular user. This can occur at the beginning of a session, or during idle periods, so that the user is given a faster response time for messages of interest to him/her (Col. 6, lines 18-24).

**In regard to dependent Claim 4 (and similarly dependent Claim 23, 42),** Knight teaches that *the one or more web objects in the object list are ordered by statistical significance and the applet requests each web object in the list in the statistical significance order* in that similarly, instead of relying purely on the individual's

prior designations of "favorite" areas, the system may instead base decisions for pre-loading of messages on community wide derived statistical data of popularity of subject categories, which can be collected in the manner described above. Thus, the system can, at all times, be dynamically constructing and maintaining sets of compressed files representing collections of community wide favorite subject matter/class message data items (Col. 23, lines 44-52).

**In regard to dependent Claim 8 (and similarly dependent Claim 27), Knight** teaches that *the applet does not interfere with normal processing of the browser* in that the query handling routine automatically downloads those messages corresponding to information categories previously indicated as of most interest to the particular user. This can occur at the beginning of a session, or *during idle periods*, so that the user is given a faster response time for messages of interest to him/her (Col. 6, lines 18-24).

**In regard to dependent Claims 10-13 (and similarly dependent Claim 29-32, and 48-51), Knight** fails to explicitly teach that *the obtaining comprises receiving a static web page from a web page library on the server, or using a filter that dynamically tags the first web page as the first web page is being transmitted to the client, or dynamically creating the first web page*. However, all of these methods to provide a web page are notoriously well known in the art, and would have therefore been obvious to one of ordinary skill in the art at the time of invention to use for providing an initial web page for the user. In addition, Knight also fails to explicitly teach *adding an applet tag to the static web page*. However, this limitation would likely be included in any dynamic generation of the web page, which as stated previously, is notoriously well known in the art.

**In regard to dependent Claim 15 (and similarly dependent Claim 34, 53),**

Knight teaches *maintaining access statistics for the first web page, wherein the access statistics are statistics for web objects accessed after the first web page* in that a feature is provided providing additional general interest statistical information for the members of the electronic community sharing the message board system. For example, a "Top 10" list of most frequent posters can be compiled, to inform the members of active participants in the community. Alternatively, an entry 361 corresponding to the top most followed companies, the most read (popular) authors, etc., can be selected instead. After selecting a particular entry 361, the user is then presented with an additional pop-up window 365 providing more detailed information, including a ranking identifying the online name of the most prolific authors, the number of postings they have made, the date of the most recent posting, etc. For additional user benefit, an optional linking feature can also be implemented so that, upon viewing such rankings in window 365, the user can then automatically click and see the set of postings for such author/company, etc. in message listing area 320, and peruse them in the normal fashion described above. As noted earlier above, an additional "take me to the author's chat room" option can be implemented at this level, as well, so that further interaction can be immediately provided with popular authors on the system (Col. 18, lines 33-55).

**In regard to dependent Claim 16 (and similarly dependent Claim 35, 54),**

Knight fails to explicitly teach that *the maintaining comprises maintaining a web agent table with slots, wherein each slot represents a location to find the access statistics for a web page*. However, Knight does teach the use of "robots", which are defined generally



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as intelligent software based agents that can be programmed to automatically perform a series of tasks under very flexible rules and conditions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to conclude that such robots or agents, operating on the server would have existed, or would have been used to perform the claimed limitation.

**In regard to dependent Claims 18-19 (and similarly dependent Claims 37-38, and 56-57),** Claims 18-19 (and similarly Claims 37-38, and 56-57) reflect the method for caching information as claimed in Claim 15 (and similarly Claims 34, and 53) and are rejected along the same rationale.

6. Claims 5, 24, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight in view of O'Brien (U.S. Patent No. 6,055,569).

**In regard to dependent Claim 5 (and similarly dependent Claim 24, 43),** Knight fails to teach that *the request for one or more web objects comprises a request for statistical information regarding the additional web pages most likely to be accessed directly after the current web page being viewed on the browser and wherein only one or more statistically significant web objects are received by the applet*. However, O'Brien teaches that a smart browser working in conjunction with a HTTP server that selectively downloads WWW pages into the browser's memory cache. The determination of which pages to download is a function of a probability weight assigned to each link on a Web page. By evaluating that weight to a predetermined browser criterion, only those pages most probably to be downloaded are stored in the browser's

memory cache. The download is done in the background while the browser user is viewing the current Web page on the monitor. This greatly enhances the speed with which the viewer can "cruise" the Web while at the same time conserving system resources by not requiring the system to download all the possible links (see Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Knight and O'Brien providing the benefit of accelerating web access by predicting user action.

7. Claims 6-7, 14, 25-26, 33, 44-46, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight in view of Borman et al. (hereinafter, Borman, U.S. Patent No. 6,226,655).

**In regard to dependent Claim 6 (and similarly dependent Claim 25, 44),** Knight fails to teach that *the applet is further configured to: parse contents of the web page; and create a web object list that contains each link to another web page that is identified from the parsing, wherein each web object requested by the applet is a web object from the web object list.* However, Borman teaches that the jumper is implemented as an application, such as an applet, which is sent to the browser by the search engine (Col. 12, lines 34-36).

Borman also teaches that a first file of information is received which may include a first mark-up language to identify contents of the information, which contents include site identifiers; the site identifiers corresponding, for example, to file locations on the Internet. The first file is displayed in a browser window. Responsive to receiving the first

file of information by the browser, the first file of information is parsed by a jumper to generate a list of site identifiers. This list of site identifiers is then stored by the jumper and displayed in a jumper window. Responsive to activation by the user, a computer is directed to determine which of the stored site identifiers is currently selected and automatically selects another. The other includes the first, the prior, the next, or the last on the list (Col. 3, lines 9-22). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Knight and Borman providing the benefit of generating a list of site identifiers (URLs).

**In regard to dependent Claim 7 (and similarly dependent Claim 26, 45),**  
Knight fails to teach that *upon receiving one or more web object requested from the web object list, the applet is further configured to: parse contents of the web object received; identify any link to another web page; add the identified link to the web object list.* However, Borman teaches that responsive to receiving the first file of information, the jumper parses the first file and extracts and stores a list comprised of first file site identifiers. The stored list of site identifiers is then displayed in the jumper window (Col. 3, lines 14-18). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Knight and Borman providing the benefit of having identified links in a web object and creating a list of them thereby assisting with simplified Internet navigation.

**In regard to dependent Claim 14 (and similarly dependent Claim 33, 52),**  
Claim 14 (and similarly Claims 33, and 52) reflect the method for caching information in

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a browser, as claimed in Claim 6 (and similarly Claims 25, and 44), and is rejected along the same rationale.

**In regard to dependent Claim 46, Knight teaches that *the applet does not interfere with normal processing of the browser* in that the query handling routine automatically downloads those messages corresponding to information categories previously indicated as of most interest to the particular user. This can occur at the beginning of a session, or *during idle periods*, so that the user is given a faster response time for messages of interest to him/her (Col. 6, lines 18-24).**

8. Claims 17, 36, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight in view of Batchelder et al. (hereinafter Batchelder, U.S. Patent No. 6,351,767).

**In regard to dependent Claim 17 (and similarly dependent Claim 36, 55), Knight fails to teach a hash function performed on a uniform resource locator (URL) for a web page identifies the slot containing the access statistics for that web page.** However, Batchelder teaches that when server (100) receives a URL from a client, the HTTP server (206) passes the URL to the URL Parser (303), which breaks the URL into different parts (Col. 7, lines 11-15). Batchelder fails to specifically teach a hash function or identifies the slot containing the access statistics for that web page. However, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teaching of Batchelder to use a hash function on a URL because such a function would have provided a means to store the components of a URL in

separate bins thereby assisting in isolating the path to the access statistics for a particular page.

### ***Response to Arguments***

9. Applicant's arguments, see Amendment, filed 04/20/2005, with respect to the rejection(s) of claim(s) 1-57 under Landsman have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Knight et al.

10. Applicant argues that (1) The combination of the cited references fails to teach the invention as claimed; (2) Improper hindsight is used to modify the teachings and combinations of the prior art; and (3) Landsman, Eves, O'Brien, Borman, and Batchelder fail to teach, disclose or suggest the use of a downloaded applet to request and pre-cache objects likely to be accessed next as part of web pages likely to be requested by a user. The Examiner agrees that Landsman fails to teach this limitation and instead offers the teaching of Knight, which, in part teaches an applet downloaded from a messaging web site, that amongst other functions, downloads and pre-caches messages (web objects) to the user providing the benefit of off-loading tasks from the server.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (**after July 15, 2005 the new number is 571-273-8300**).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell  
07/03/05

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7/8/2005